

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

KEVIN TERRANCE HANNON,

Case No. 12-CV-1008 (PJS/AJB)

Plaintiff,

v.

ORDER

KATHRYN REID, sued in her Individual and
Official Capacity,

Defendant.

This matter is before the Court on plaintiff Kevin Terrance Hannon's motion for appointment of counsel. ECF No. 45. Hannon has twice before moved for appointment of counsel. *See* ECF Nos. 3, 38. On both occasions, Magistrate Judge Arthur J. Boylan denied those motions. *See* ECF Nos. 7, 40. The Court now denies Hannon's third request.

"There is no constitutional or statutory right to appointed counsel in civil cases." *Phillips v. Jasper Cnty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). A court *may* appoint counsel in a civil case pursuant to 28 U.S.C. § 1915(e), but that power is discretionary. Among the criteria the Court uses in determining whether to appoint counsel pursuant to § 1915(e) includes "the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments." *Phillips*, 437 F.3d at 794.

As Judge Boylan has noted, Hannon "has been able to articulate his claims, assert law and facts that he considers applicable, and state his positions" without the assistance of counsel. ECF No. 40 at 2. Moreover, the legal issues presented by Hannon are not so complex as to warrant the appointment of counsel. Finally, the circumstances Hannon cites as the basis for his

motion — that he is incarcerated, that he suffers from head injuries, and that he has limited knowledge of the law — are no different from the circumstances cited by Hannon in his previous motions. Nothing about Hannon's situation has changed sufficiently that appointment of counsel is now warranted. Accordingly, Hannon's motion is denied.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT plaintiff Kevin Terrance Hannon's motion for appointment of counsel [ECF No. 45] is DENIED.

Dated: December 20, 2012

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge